European High Level Task Force on Conflict Zones

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Foreword



As a consequence of the downing of Malaysian Airlines flight MH17, there is general consensus that States should improve the sharing of information on possible risks in conflict zones. Passengers world-wide are experiencing higher levels of uncertainty with respect to security issues, especially for journeys over conflict zones. The threat of terrorism to civil aviation is likely to remain high in the foreseeable future. High aviation safety and security standards and real-time information are therefore imperative for the functioning and competitiveness of the air transport system.

There has been a desire, particularly at European level, to make critical information more accessible. Information on potential threats or risks should be made available in a timely manner, in order to support national Authorities and operators in their own decision making processes.

This report contains proposals to further improve the current situation, that I consider essential. In particular, I welcome the improvements to the process for building common EU conflict zone risk assessments and the proposal for a quick alert mechanism. Such improvements should make flying safer for both passengers and crew. These actions should ensure that the same level of safety is attained for EU citizens when travelling on code-shared flights operated by non EU operators. The EU takes a legitimate interest in the safety of foreign airlines operating to the EU or airlines being used by EU citizens when travelling outside of the EU.

This important work did not materialise from an independent entity, or from a single regulatory authority. It was a collaborative effort that brought different stakeholders together, who would have otherwise worked in isolation. I would like to recognise the efforts of the Chairman, Raymond Benjamin, and all the contributing task force participants. It was their valuable contributions that have progressively refined the report's recommendations, thus shaping a future European conflict zone alert system.

It is essential that concrete steps are put into place to protect EU citizens travelling abroad. Many aviation accidents involving European citizens happen outside the EU. Pursuing high worldwide safety standards, based on common standards issued by the International Civil Aviation Organization, must therefore remain a key objective of EU action.

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1. Introduction

The objective of this document is to provide a summary of outcomes from the European High Level Task Force on conflict zones. It provides in particular the Chairman's recommendations (section 4) which is a set of recommended actions to be taken by various stakeholders, and the Task Force's proposal for a Conflict Zone Alerting System at European Level (section 5).

2. Context

Since the tragic event of the downing of Malaysian Airlines flight MH17 over the Ukraine, there is a general consensus within the international community that improvements can be made in the way stakeholders share and distribute information on risks arising from conflict zones.

As a consequence, Romania contacted EASA to co-organise a high level meeting, which took place in September 2015 in Bucharest. The overall objective of the high level meeting was to discuss how to achieve more consistency in the advice offered to airlines, to protect the interest of EU citizens inside and outside Europe. This is considered a shared responsibility, as EU citizens are not only using national carriers. It was agreed that a joined-up approach is necessary. The following action was proposed:

> A High Level Task Force will review the channels, processes and accountabilities for offering guidance on risks, and develop proposals for filling any gaps identified. Members foreseen are Euopean Union Military Committee, Commission Services, ECAC (European Civil Aviation Conference), Representatives of intelligence Agencies, airlines and military representatives, and EASA. The task force should deliver by the end of March 2016 recommendations on the issues described above, including implementation issues. The output will be made available to the Dutch EU Presidency**,** to respond to earlier discussions at EU Ministerial level on lessons learned from the downing of flight MH17.

As a follow-up to the Bucharest 29/09/2015 conference, a European High Level Task-Force was assembled to consider ways in which the exchange of knowledge can be improved so that risks associated with overflight of certain conflict zones can be reduced.

2.1. ICAO Response and its Characteristics

At global-level, the International Civil Aviation Organisation (ICAO) established an international high-level task force, of which one of the main outcomes has been the creation of a common repository. This repository includes aeronautical information circulars (AIC), notices to airmen (NOTAMs) or other similar documents providing advice, recommendations or even prohibiting operators under a States' oversight from overflying certain parts of the world for security reasons, (or authorising overflights only above a certain height). This repository brings the information to the attention of the international aviation community, while allowing the State in charge of the zone affected the right to publish an objection. Discussions show that there are however, some characteristics of the ICAO repository that restrict its utility.

First, the risk assessment itself is *isolated* in nature, namely a particular State's view may not reflect the full scope of the problem. The State's NOTAM is issued based on a national risk assessment, which is based on the State's intelligence capabilities. As a consequence of this dependency, a risk assessment may be either over or under estimated, and not reflect a single representative picture. In addition, there are numerous methodologies used to calculate a risk assessment which can lead States to different conclusions on the same airspace. In situations where a conflict zone spans across multiple States, only one source of information may be existing in the repository, producing an unrepresentative risk picture for the total airspace that is affected. Due to the fact that States are assessing risks in isolation, there is a consequence of multiple State publications being communicated in the ICAO repository, with potentially different operational content, resulting in a confusing safety/security message for the operator.

A second characteristic of the ICAO repository is with respect to the *timeliness of the information*, experience has proven that anywhere from 8-10 days is needed to process conflict zone information submitted by States and make it public. Within this time span the "most current" conflict zone information is effectively unavailable to the larger aviation community.

Together, these aforementioned characteristics have created a need for an alternate information sharing and distribution process taking place at European level.

2.2. European Level

EASA has taken the initiative to collect and publish, in the form of Safety Information Bulletins (SIB)'s, NOTAMs, AICs and other documents issued by the Member States in order to draw them to the attention of the civil aviation community. Before issuing a SIB, EASA will cross-check the appropriateness and relevance of it with its National Aviation Authority (NAA) network of Risks in Conflict Zone (RCZ) focal points, the Network Manager and airlines. These SIBs are, for the moment, purely factual in that they call attention to specific decisions taken by a State without giving recommendations to operators, who retain the responsibility for their own decisions and operational choices.

One of main identified areas for improvement at European level is the need for availability, in a timely manner, of information on a common risk picture, to support National Authorities and operators in their own decision making processes.

3. Task Force Terms of Reference and Outcomes

3.1. Task Force Terms of Reference

In this context, and within the limitations of the current legal framework, Terms of Reference for a European high level task force on conflict zones were agreed as stated below:

> *The aim of the Task Force is to identify high level actions so that European level stakeholders can respond effectively to risks associated with zones of conflict or armed insurgency. The aim is to facilitate all reasonable steps to avoid civilian accidents and incidents in such areas.*

3.2. Task Force Outcomes

The Task Force held three meetings, which enabled to debate constructively on what further actions should be taken by various stakeholders. Two main Task Force outcomes are further presented in this paper:

- The Chairman's recommendations (section 4): these are general recommendations addressed to the wider community of all European stakeholders which are in position to contribute to the mitigation of conflict zone risks.

- In line with these recommendations, the Task Force further agreed on a detailed process for a Conflict Zone Alerting System at EU level (section 5). This process is based on the principle of cooperation between States, EU institutions and other stakeholders. It has the objective to join up available intelligence sources and conflict zone risk assessment capabilities, in order to enable the publication in a timely manner of information (when possible operational recommendations) on conflict zone risks, for the benefit of all European Member States, operators and passengers.

4. Chairman's Recommendations

As this paper has outlined, there is a clear necessity to take into account, at the European level, the specific problem of the overflight of conflict zones. There is an urgent need to protect civil aviation against many forms of attacks. These attacks can be carried out voluntarily or accidentally, by regular armies or non-governmental forces engaged in combat involving the use of weapons which can harm civil aviation at cruise altitudes, or during approaches, or while taxing.

While States have the primary responsibility for issuing information, as well as prohibitions and restrictions, concerning overflight in their own Flight Information Region (FIR), it is accepted, after the downing of MH17, that some States will fail to meet their obligation, and it is therefore essential that alternative information mechanisms are available to aviation community.

In the current climate of political unrest in many parts of the world, airlines have expressed a need for a consolidated picture of the safety/security situation. It has been agreed that a level playing field for all airlines is required to protect all passengers. Operators have vastly different resources available to them. However, all operators and passengers should have access to the best available information.

The safety of passengers, and aircraft crews, can be effectively improved if timely and accurate information is made available to all stakeholders.

Measures need to be taken at many levels to limit the risks posed to civil aviation that stem from regional conflicts zones. The consolidated recommendations made in this report offer a way forward at European level. Under the auspices of EASA, and coordinated at the European level, an alerting and information system needs to be further developed. The following actions are therefore recommended:

4.1. STATE Actions

EU Member States are recommended to set up national systems for addressing Risks to Civil Aviation from Conflict Zone in which relevant information is shared with operators. In addition, EU Member States should cooperate in sharing conflict zone information with the view to enable the development of common EU risk assessments (facilitated by DG HOME) and to enable the timely sharing of information on rapidly emerging new threats.

4.2. EASA Actions

EASA should put in place a process allowing the publication of information and recommendations related to conflict zone risks, based on common EU risk assessments, or based on threat information. This should be done in close coordination with Member States, taking into account the needs for both consultation and for timely dissemination including for emergency cases.

4.3. Intelligence Agencies Actions

Within the boundaries of a States' legal structure, the intelligence agencies should support national systems for addressing risks arising from conflict zones and should support the State's contribution to the sharing of information at EU level on rapidly emerging new threats.

4.4. European Commission Actions

The Commission (DG HOME) should facilitate the exchange of risk analysis and the development of common EU risk assessments, with the support from Member States, DG MOVE, EASA and other EU institutions such as European External Action Service (EEAS).

4.5. Operator Actions

Operators should make use of available information and recommendations on conflict zones, and incorporate this information into their risk assessment or decision making processes. They should furthermore share own risk assessment information with their national authorities, and are encouraged to share this information with the RCZ Network, and EASA.

5. Process Description:Alerting System for Risks to civil aviation arising from Conflict Zones

5.1. Introduction

The following describes the intended European level process for a system to alert on Risks arising from Conflict Zones (RCZ), beyond any national systems. The organisations engaged to set up and run cooperatively such a system include EU Member States, the European Commission (DG MOVE and DG HOME), EASA and Operators.

For the purpose of this system, a "RCZ Network" is established. The RCZ network is composed of RCZ Focal Points from EASA, the Commission (DG HOME and DG MOVE), EEAS and from those EU Member States willing to participate. The network serves as a platform for both sharing of information on conflict zones and consultation on draft EASA conflict zone publications, as further detailed below.

The Member State RCZ focal point is expected to be able to closely interface with those State functions which on one hand have access to conflict zone information and which on the other hand are delivering or exchanging relevant information with national operators, when those functions are in place at national level.

It is agreed between the organisations involved that this system, once in place, should undergo periodic review for identification of any required improvements.

EASA will act as coordinating entity and technical process owner for all activities which are not directly under Member State, Operator or Commission responsibility.

Beyond the description of the process steps below, general recommendations are addressed:

- To all Member States, to have in place systems addressing risks to civil aviation arising from conflict zones, in which relevant information is shared with operators.

- To all Operators, to include risks arising from conflict zones in the scope of their risk assessments and operational decision makings.

5.2. Issuance by EASA of a Conflict Zone Information Bulletin (CZIB) in case of availability of a common EU risk assessment (facilitated by DG HOME)

The Commission (DG HOME) organises meetings with Member States and other EU entities ("DG HOME working group"), the aim of which is to elaborate common EU conflict zone risk assessments, which are based on a consensus between participating States.

These meetings should be scheduled regularly, at least on a quarterly basis, or upon request by one of the participants. DG HOME will circulate as soon as possible the classified outcomes of the risk assessment, through the appropriate secure communication channels, to the Member States. A sanitised, de-classified version will be shared with EASA (conflict zone contact point).

The Commission (DG HOME) is invited to consider the possibility to organise a *quick reaction time means* to produce common risk assessments in case of a sudden new emerging threats. This assessment would be driven from either its own initiative, or upon request from a working group member, or upon request from the RCZ Network channelled through EASA.

Based on the information shared in the DG HOME working group meetings and for those geographical areas for which the outcome of the risk assessment shows that the residual risk is high, EASA will initiate the drafting of a CZIB that will include, when relevant, an operational recommendation (see proposed standard wordings below).

The draft CZIB will be consulted with the RCZ Network, airline representatives (at least IATA), and with the Network Manager. The standard consultation time will be two working days.

EASA will review the comments received and provide feedback as to how comments will be taken into account. If no significant comments are raised, the CZIB will be published on the EASA safety publication tool.

5.3. Issuance by EASA of a Conflict Zone Information Bulletin (CZIB) in the absence of a common EU risk assessment ("rapid alert system")

In case of information being made available to EASA on a sudden new emerging threat, EASA will activate the RCZ Network for initial sharing of information. This initial sharing of information should relate to both 1) available factual information on the threat 2) any advance information on national risk assessment or advice, if available.

The possibility to trigger a short term common EU risk assessment (facilitated by DG HOME) will be assessed.

In case no common EU risk assessment can be performed in the short term, the publication of a CZIB containing factual, clearly attributed information on the threat and on any advice potentially already issued by Member States, will be envisaged. The RCZ Network will be consulted again on the content of such publication.

When a common EU risk assessment becomes available, the CZIB will be amended accordingly.

5.4. Involvement of European Operators

European Operators that have the capability to perform autonomously risk assessments are invited to share their risk assessments with appropriate contacts within their Member States supporting the DG HOME working group, and with the RCZ network.

5.5. Reinforced functioning of the RCZ Network

Each organisation which is part of the RCZ Network should endeavour to ensure maximum availability of their focal point function, through providing e.g. alternate contacts and/or functional email addresses and/or phone numbers reachable outside working hours.

EASA would organise the RCZ Network in such a way that any focal point can send information by email to all other focal points. Email lists of all focal points would be shared within the network, as well as phone numbers that can be reached outside working hours, when available.

Member States RCZ Focal Points would then be invited to:

- Share with the network any newly issued or revised AIC, NOTAM, etc. on conflict zones, as soon as it is published
- When possible, share with the network advance information on any planned newly issued or revised AIC, NOTAM, etc. on conflict zones, in order to enable the triggering as soon as possible of a common EU risk assessment (facilitated by DG HOME).
- Share with the network any information – for example information related to a sudden new emerging threat - that the Member State estimates can be shared through this communication means.

5.6. Standard wordings for EASA Conflict Zone Information Bulletin

In case of availability of a common EU risk assessment facilitated by DG HOME (publication of information on risk level, or operational recommendation):

Affected Airspace: (FIR, geographical area, maximum altitude,)
On the basis of information available to EU Member States and EU institutions, there is an increased risk to civil aviation aircraft operating in the affected airspace is assessed to be high, because of / due to… (addition of threat related information)

OR

On the basis of information available to EU Member States and EU institutions, the Agency recommends to operators that aircraft do not enter into the airspace of xxx (xxx FIR) / do not fly below FL 240 in the airspace of xxx (xxx FIR), because of / due to… (addition of threat related information)
National Aviation Authorities should ensure that operators under their oversight are aware of this information / recommendation.
Operators should take this information/recommendation into account in their own risk assessments.

In case of absence of a common EU risk assessment (publication of Threat information):

Affected Airspace: (FIR, geographical area, maximum altitude,)
Threat Information: xxx
National Aviation Authorities should ensure that operators under their oversight are aware of this information.
Operators should take this information into account in their own risk assessments.

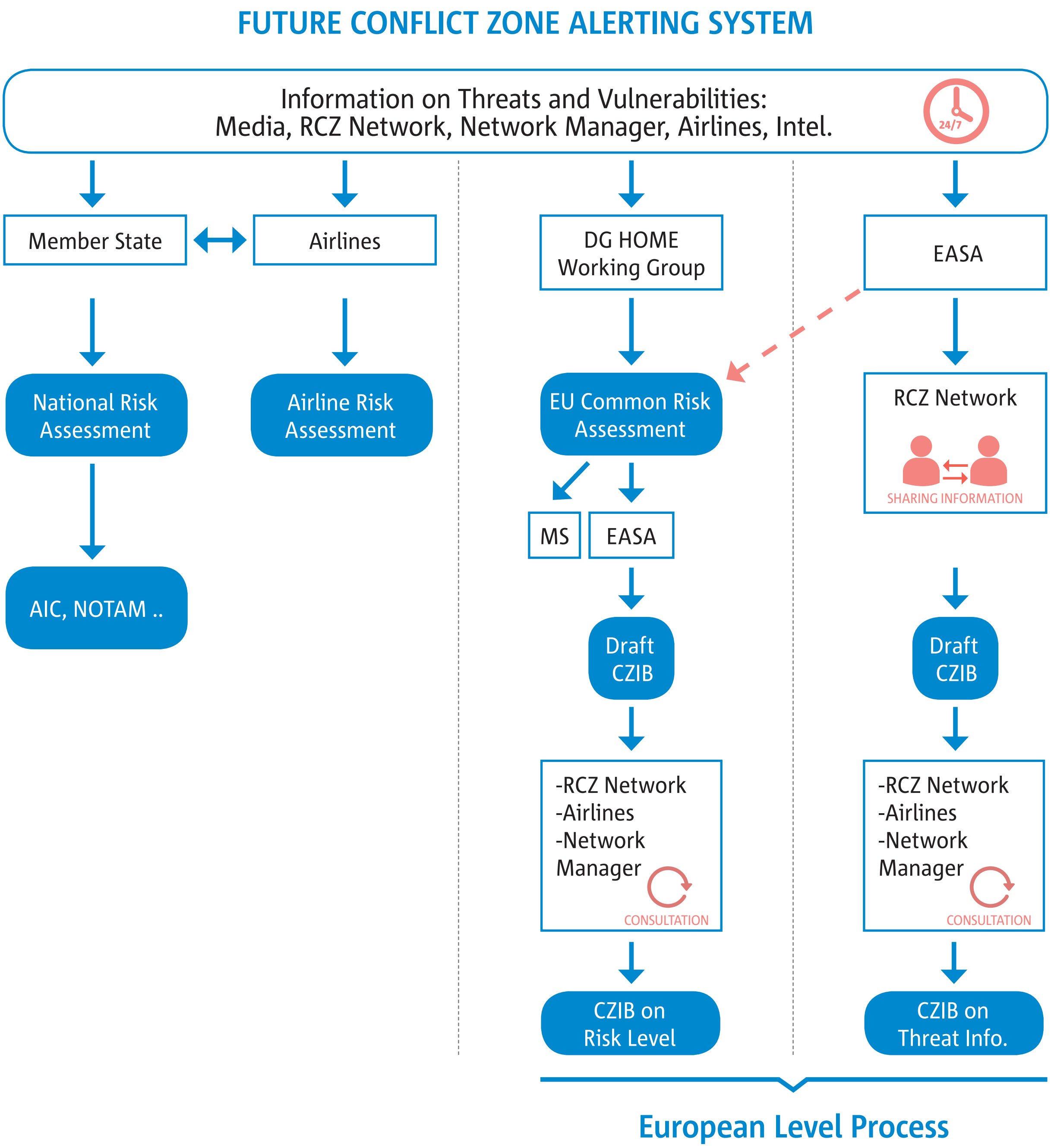
In case of absence of a common EU risk assessment but availability of national publications:

Ref publications: xxx
The Agency draws the attention of the aviation community to the above referenced publications National Aviation Authorities should ensure that operators under their oversight are aware of this information.

6. Conclusion

The Chairman's recommendations shall be submitted to the Presidency of the Council of the EU and Parliament for consideration in the context of the revision of the EU regulation on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency.

Appendix A – Process Diagram



Notes:
The three workflows which are presented in parallel are iterative and interdependent.
The red dashed line means that EASA will initiate the request for a common risk assessment towards DG HOME, if possible on a short term basis.